

Pat Appl No.: PCT/US01/13107

Request for Revival

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Examiner: n/a
)
 Brzustowicz, L.M. et al.) Art Unit: n/a
)
 Serial No.: Not yet assigned)
 [Int. Appl. No: PCT/US01/13107])
)
 Filed: April 23, 2001)
)
 For: "METHODS AND COMPOSITIONS)
 FOR THE DIAGNOSIS OF)
 SCHIZOPHRENIA)

SECOND DECLARATION OF ANNE S. BASSETT

I, Anne S. Bassett, hereby declare that:

I. I am a co-inventor of the invention described and claimed in PCT Patent Application Serial No.: PCT/US01/13107, (hereafter '13107 application), filed on April 23, 2001 designating the US which claims priority to U.S. Provisional Patent Application Serial No.: 60/198/987 (hereafter '987 application), which was filed on April 21, 2000.

II. The '987 and '13107 applications describe the results of studies conducted by myself and Dr. Brzustowicz on localization and characterization of genes associated with the schizophrenia phenotype. The '987 provisional application and the '13107 PCT application were both filed through the Office of Corporate Liaison and Technology Transfer at Rutgers, the State University of New Jersey (hereafter "Rutgers").

III. Rutgers was named as Applicant for all designated States except the U.S.

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IV. No assignment for the '13107 application or the previous '987 provisional application, was executed, thus, I am a co-owner of the subject matter disclosed and claimed in the '13107 application. Unlike Dr. Brzustowicz, I was under no obligation to assign my rights to Rutgers as I am not employed by Rutgers.

V. It was my understanding and belief that, on my behalf, Rutgers has been active in pursuing patent prosecution of the '13107 application in the U.S.

VI. However, sometime in November 2005, I was contacted by Kathleen D. Rigaut, attorney for Rutgers, and made aware that the '13107 application became abandoned in the U.S. on December 22, 2001 as Rutgers failed to timely file the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office. I had not previously been notified by either Dr. Brzustowicz or Rutgers that this application had been allowed to lapse.

VII. I never intended to abandon the invention disclosed and claimed in the '13107 application. Moreover, I was never provided the option to pursue patent protection on my own as I was under the impression that the application was proceeding normally through the USPTO. I, therefore, respectfully request that my petition for revival of this application be granted.

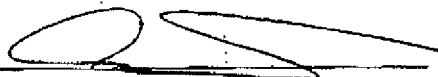
I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or

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imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the above-referenced application or any patent issued thereon.

July 10/06
DATE


Bassett, Anne S.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)
)
Brzustowicz, L.M. et al.)
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Serial No.: Not yet assigned)
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SCHIZOPHRENIA)

DECLARATION OF MR. VINCENT SMERAGLIA

I, Vincent Smeraglia hereby declare that:

1. I was employed by Rutgers, the State University of New Jersey (hereafter "Rutgers"), and worked as an Associate Director of Technology Transfer at its Office of Corporate Liaison and Technology Transfer (OCLTT) during the period from November 14, 1998 to April 22, 2005.

2. At and around January 20, 2000, Drs. Linda M. Brzustowicz and Anne S. Bassett disclosed to us their research results on localization of a genetic locus on chromosome 1 associated with increased prevalence of schizophrenia and genes residing in that locus. Based on these results and under our instruction, a provisional application, Serial No. 60/198,987 (hereafter, '987 application) and a PCT application, PCT/US01/13107 (hereafter, '13107 application) were filed by Dann Dorfman Herrell and Skillman P.C. at Philadelphia, on April 21, 2000 and April 23, 2001, respectively.

3. Due to a clerical error at the OCLTT, our office erroneously directed Dann, Dorfman, Herrell and Skillman to allow the '13017 application along with 16 other applications directed to similar subject matter to become abandoned by not filing a Chapter II Demand nor entering the National phase at 20 months from the earliest effective priority date.

4. This failure to attend to filing of the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office was not communicated to Drs. Brzustowicz and Bassett until January of 2005.

5. As evidenced by an email dated January 10, 2005, there was some confusion at our office as to the pendency of the above-described application which we subsequently discovered had become abandoned. Clearly, this failure to file the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office for the '13107 application by December 21, 2001 was due to a misunderstanding in our office and was unintentional. Accordingly, it is respectfully requested that this petition for revival of the application be granted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the above-referenced application or any patent issued thereon.

1/9/05
DATE

Vincent Smeraglia
Vincent Smeraglia

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)	Examiner: n/a
)	
Brzustowicz, L.M. et al.)	Art Unit: n/a
)	
Serial No.: Not yet assigned)	
[Int. Appl. No: PCT/US01/13107}})	
)	
Filed: April 23, 2001)	
)	
For: "METHODS AND COMPOSITIONS))	
FOR THE DIAGNOSIS OF)	
SCHIZOPHRENIA)	

DECLARATION OF LINDA M. BRZUSTOWICZ AND ANNE S. BASSETT

We, Linda M. Brzustowicz, and Anne S. Bassett, hereby declare that:

I. We are the co-inventors of the invention described and claimed in PCT Patent Application Serial No.: PCT/US01/13107, (hereafter '13107 application), filed on April 23, 2001 designating the US which claims priority to U.S. Provisional Patent Application Serial No.: 60/198/987 (hereafter '987 application), which was filed on April 21, 2000.

II. The '987 and '13107 applications describe the results of our work on localization and characterization of genes associated with the schizophrenia phenotype. The '987 provisional application and the '13107 PCT application were both filed through the Office of Corporate Liaison and Technology Transfer at Rutgers, the State University of New Jersey (hereafter "Rutgers").

III. Rutgers was named as Applicant for all designated States except the U.S.

IV. Because no assignment for the '13107 application or the previous '987 provisional application, has been executed, we are the co-owners of the subject matter disclosed and claimed in the '13107 application.

V. It was our understanding and belief that, on our behalf, Rutgers has been active in pursuing patent prosecution of the '13107 application in the U.S.

VI. However, on or about January 10, 2005 we became aware that the '13107 application became abandoned in the U.S. on December 22, 2001 as Rutgers failed to timely file the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office. See email correspondence between Dr. Brzustowicz and Mr. Vincent Smeraglia attached hereto.

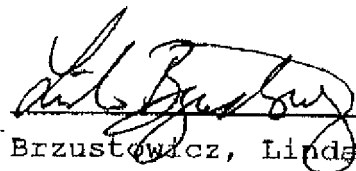
VII. We never intended to abandon the invention disclosed and claimed in the '13107 application. Moreover, we were never provided the option to pursue patent protection on our own as we were under the impression that the application was proceeding normally through the USPTO. We, therefore, respectfully request that our petition for revival of this application be granted.

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imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the above-referenced application or any patent issued thereon.

DATE

1/11/06



Brzustowicz, Linda M.

DATE

Bassett, Anne S.

Pat Appl No.: PCT/US01/13107

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Brzustowicz, L.M. et al.)	Art Unit: n/a
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DECLARATION OF LINDA M. BRZUSTOWICZ AND ANNE S. BASSETT

We, Linda M. Brzustowicz, and Anne S. Bassett, hereby declare that:

I. We are the co-inventors of the invention described and claimed in PCT Patent Application Serial No.: PCT/US01/13107, (hereafter '13107 application), filed on April 23, 2001 designating the US which claims priority to U.S. Provisional Patent Application Serial No.: 60/198/987 (hereafter '987 application), which was filed on April 21, 2000.

II. The '987 and '13107 applications describe the results of our work on localization and characterization of genes associated with the schizophrenia phenotype. The '987 provisional application and the '13107 PCT application were both filed through the Office of Corporate Liaison and Technology Transfer at Rutgers, the State University of New Jersey (hereafter "Rutgers").

III. Rutgers was named as Applicant for all designated States except the U.S.

IV. Because no assignment for the '13107 application or the previous '987 provisional application, has been executed, we are the co-owners of the subject matter disclosed and claimed in the '13107 application.

V. It was our understanding and belief that, on our behalf, Rutgers has been active in pursuing patent prosecution of the '13107 application in the U.S.

VI. However, on or about January 10, 2005 we became aware that the '13107 application became abandoned in the U.S. on December 22, 2001 as Rutgers failed to timely file the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office. See email correspondence between Dr. Brzustowicz and Mr. Vincent Smeraglia attached hereto.

VII. We never intended to abandon the invention disclosed and claimed in the '13107 application. Moreover, we were never ~~provided the option to pursue patent protection on our own as we~~ were under the impression that the application was proceeding normally through the USPTO. We, therefore, respectfully request that our petition for revival of this application be granted.

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DATE

Brzustowicz, Linda M.

DATE

Bassett, Anne S.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

10 January 2006

Attorney Docket No.
1594-RUT00-0084PCTA-US

U.S. Application No.(If Known)
Not yet assigned

Express Mail Label No.:
EL 997340070 US

Int'l Application No.
PCT/US01/13107

Int'l Filing Date
23 April 2001

Priority Date Claimed
21 April 2000

TITLE OF INVENTION
METHODS AND COMPOSITIONS FOR THE DIAGNOSIS OF SCHIZOPHRENIA

Applicant(s) for DO/EO/US
BRZUSTOWICZ, Linda M.; BASSETT, Anne S.


Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
 4. ☐ The US has been elected (Article 31).
 5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
 8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
 9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11 to 20 below concern document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☒ A **FIRST** preliminary amendment.
 14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 15. ☐ A substitute specification.
 16. ☐ A change of power of attorney and/or address letter.
 17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
 18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
 19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
 20. ☒ Other items or information: - Copy of Form PCT/IB/308

The following fees are submitted:				
21. <input checked="" type="checkbox"/> BASIC NATIONAL FEE		\$300	\$300	
22. <input checked="" type="checkbox"/> Examination Fee				
If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)		\$100	\$200	
All other situations		\$200		
23. <input checked="" type="checkbox"/> Search Fee				
Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as a International Searching Authority.		\$100		
International Search Report prepared by International Search Authority other than USPTO, but provided to Office by Applicant(s)		\$400	\$100	
All other situations		\$500		
Total of 21, 22, 23			\$600	
[] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program filed in an electronic medium).				
Total Sheets	Extra Sheets	No. of each add'l 50 (round up to whole number)		
-100 =	/50 =	x \$250	\$0	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date			\$0	
Claims	Number Filed	Number Extra	Rate	
Total Claims	20 -20	= 0	50	\$0
Independent Claims	3 -3	= 0	200	\$0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360	\$0	
TOTAL OF ABOVE CALCULATIONS			\$600	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2			\$300	
SUBTOTAL =			\$300	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f))			\$0	
TOTAL NATIONAL FEE =			\$300	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property			\$0	
TOTAL FEES ENCLOSED =			\$300	

- a. ☒ A check in the amount of \$300 to cover the above fees is enclosed
- b. [] Please surcharge Deposit Account No. 04-1406 in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1406. A duplicate copy of this sheet is enclosed.

SEND ALL CORRESPONDENCE TO: CUSTOMER NUMBER 000110 to the attention of the individual listed below.


Kathleen D. Rigaut, Ph.D., J.D.
Registration No. 43,047

PCT

From the INTERNATIONAL BUREAU

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

RIGAUT, Kathleen, D.
Dann, Dorfman, Herrell and Skillman
Suite 720
1601 Market Street
Philadelphia, PA 19103
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)

28 September 2001 (28.09.01)

Applicant's or agent's file reference

0084KIAA0464

IMPORTANT NOTICE

International application No.

PCT/US01/13107

International filing date (day/month/year)

23 April 2001 (23.04.01)

Priority date (day/month/year)

21 April 2000 (21.04.00)

Applicant

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY et al

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:
KP, KR, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ,
DE, DK, DM, DZ, EA, EE, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP,
KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OA,
PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, UZ, VN, YU, ZA

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on under No. WO 00/00000

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

J. Zahra

Facsimile No. (41-22) 740.14.35

Telephone No. (41-22) 338.83.38